

## **REMARKS**

### **I. Introduction**

Claims 23 to 44 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

It is noted that the Office Action Summary does not include an acknowledgment of the claim for foreign priority and does not indicate receipt of a certified copy of the priority document. In this regard, a claim of priority to Application No. 102 31 091.2, filed in the Federal Republic of Germany on July 10, 2002 was made, inter alia, in the "Combined Declaration and Power of Attorney for Patent Application," submitted in the present application on January 10, 2005. A certified copy of the priority document was submitted in the parent application. It is respectfully requested that the Examiner acknowledge the claim for foreign priority and acknowledge receipt of the certified copy of the priority document in the next Office communication.

### **II. Objection to Claim 25**

Claim 25 was objected to because of informalities. The Office Action suggested that line 3 of claim 25 be amended to include "the stacked construction of the power MOS components includes ...." While the objection may not be agreed with, to facilitate matters, claim 25 has been rewritten to include "the stacked construction of the power circuit includes ...," thereby obviating the present objection. No new matter has been added, and claim 25, as presented, is supported by the Substitute Specification at page 6, line 16, to page 7, line 20. Withdrawal of this objection is therefore respectfully requested.

### **III. Rejection of Claims 23 to 44 Under 35 U.S.C. § 103(a)**

Claims 23 to 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,060,795 ("Azotea et al."). It is respectfully submitted that Azotea does not render unpatentable the present claims for at least the following reasons.

Claim 23, as presented, relates to a rectifier for rectifying an alternating current into a direct current, including a control part including a controller component

and control terminals; a power circuit controlled by the control part and including switching elements; and *a three-phase generator including a three-phase stator winding, wherein phases of the stator winding are triggered via the switching elements*, all power-conducting components of the power circuit are power MOS components and are integrated in a stacked construction. Further, while the rejections may not be agreed with, to facilitate matters, claim 23 has been rewritten to further include that *the control part is spatially separate from the power circuit*. Support for this feature of claim 23, as presented, may be found in the Substitute Specification, at page 2, lines 27 to 29, and at page 6, lines 9 to 11.

In contrast, Azotea fails to identically disclose, or even suggest, all of the features of claim 23, as presented. Specifically, Azotea does not indicate that the control part is spatially separate from the power circuit, as provided for in the context of claim 23, as presented. Instead, Figures 1 to 3 of Azotea merely indicate that the control circuits (64, 65, 66, 67) are integrally attached to the power pack (Azotea, col. 5, line 62, to col. 6, line 3). Thus, the control circuits are not spatially separate from the power pack. Further, nowhere does Azotea indicate a three-phase generator including a three-phase stator winding, wherein phases of the stator winding are triggered via the switching elements, as provided for in the context of claim 23, as presented. In fact, the Office Action admits that Azotea “fails to show a three-phase generator including a three-phase stator winding, wherein: phases of the stator winding are triggered via the switching elements.” (Office Action, p. 3). Therefore, it is plainly apparent that Azotea fails to identically disclose, or even suggest, that *the control part is spatially separate from the power circuit*, and *a three-phase generator including a three-phase stator winding, wherein phases of the stator winding are triggered via the switching elements*, as provided for in the context of claim 23, as presented.

The Office Action contends that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to include a three-phase generator in the system because the main purpose of a rectifier is to convert an AC signal from a three-phase generator to a DC signal.” (Office Action, p. 3). Applicants respectfully submit that there is no suggestion or motivation to modify Azotea as proposed in the Office Action, as there must be in order to reject claims as unpatentable over this reference. As cited above, the “teaching or suggestion to make the claimed combination must be found in the prior art and not based on the

application disclosure.” In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Since Azotea fails to even indicate a three-phase generator, it is respectfully submitted that Azotea further fails to teach or suggest the claimed combination, as provided for in the context of claim 23, as presented. Applicants respectfully submit that the Office Action is impermissibly relying on the instant patent application disclosure in order to suggest the claimed combination. Therefore, it is respectfully submitted that there is no suggestion or motivation to modify Azotea as proposed in the Office Action.

Simply put, there is no suggestion or motivation for making the proposed modification, as there must be for a prima facie case of obviousness.

In light of the foregoing, it is respectfully submitted that Azotea, for which there is no suggestion or motivation to modify, does not render unpatentable claim 23 for at least the foregoing reasons.

As for claims 24 to 44, which ultimately depend from and therefore include all of the features recited in claim 23, it is respectfully submitted that these claims are also allowable for at least the same reasons provided above in support of the patentability of claim 23.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### **IV. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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